

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yata, et al. ) Group Art Unit 1495  
Appl. No. : 09/700,988 )  
Filed : February 5, 2001 )  
For : NON-AQUEOUS )  
SECONDARY BATTERY )  
AND ITS CONTROL )  
METHOD )  
Examiner : G. Cantelmo )

RECEIVED  
AUG 12 2003  
TC 1700

# 11/B  
8-15-32

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the communication from the Examiner mailed July 9, 2003. In response to the restriction requirement set forth in the communication, Applicant elects to prosecute Group I, Claims 1-10 and 27-29, drawn to a non-aqueous secondary cell comprising plural positive electrodes and negative electrodes having particular minimum energy capacity and energy density requirements. This election is made without traverse.

Preliminary to examination on the merits, please amend the above-captioned application as follows: